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Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
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Note verbale dated 14 December 2000 from the Permanent Mission of France to the United Nations addressed to the Department for Disarmament Affairs of the United Nations Secretariat, transmitting the text of the European Union plan of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects

The Permanent Mission of France to the United Nations presents its compliments to the Department for Disarmament Affairs of the United Nations Secretariat and has the honour to transmit to it, enclosed herewith, on behalf of the European Union, the text of a plan of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.

The Permanent Mission of France to the United Nations requests the Secretariat to circulate this document to delegations in all the languages of the United Nations as an official document of the Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, so that it may be considered at the next session, scheduled to be held from 8 to 19 January 2001.

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Annex

[Original: English and French]

Plan of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects

(pp1) The States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,

(pp2) Concerned by the consequences brought about by the destabilizing accumulations and spread worldwide of small arms and light weapons specifically designed, manufactured and modified for military use,

(pp3) Having noted the destabilizing effects of such accumulations and spread during recent armed conflicts, in which readily available small arms and light weapons have complicated the efforts made to restore peace and hindered attempts to implement peace agreements by delaying the political, social and economic rehabilitation of the countries or regions affected by such conflicts,

(pp4) Expressing deep concern in the face of the scale of the illicit trade in small arms and light weapons, and noting that they are often used to carry out criminal activities,

(pp5) Convinced of the necessity of cooperation among States in combating this scourge,

(pp6) Welcoming efforts already undertaken within the framework of regional organizations and arrangements,

(pp7) Recalling United Nations General Assembly resolutions 52/38 J, 53/77 E and 54/54 V,

(pp8) Recalling the conclusions and recommendations contained in the reports of the United Nations Panel and of the Group of Governmental Experts on Small Arms,

(pp9) Recalling the OSCE document on small arms and light weapons, adopted by the Forum for Security Cooperation in November 2000; the African Ministerial Conference on the Proliferation, Illicit Movement and Traffic in Small Arms, held in Bamako in November 2000; the setting up of an advisory committee by the States parties to the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials; the decision of the Council of Ministers of the Southern African Development Community to conclude negotiations on a protocol concerning the limitation of firearms, ammunition and other related materials in the region of the Community; the decision by the States members of the Economic Community of West African States to implement their agreement on a moratorium on the import, export and manufacture of small arms; the adoption by the European Union of a programme for preventing and combating illicit trafficking in conventional weapons, and of other initiatives, such as the joint action on

small arms to which several non-member States of the European Union have adhered,

(pp10) Reasserting the right of each State to import, produce and retain small arms and light weapons at levels consistent with its legitimate self-defence and security needs, including ensuring its capacity to participate in peacekeeping missions,

(pp11) Convinced of the role that members of civil society, including in particular members of the media, the teaching profession and as well as non-governmental organizations, have to play in combating the culture of violence which facilitates destabilizing accumulations and the spread of small arms and light weapons,

(pp12) Convinced of the importance of a dialogue with the representatives of the industries,

(pp13) Attaching particular importance to the strict enforcement of international humanitarian law,

(pp14) Determined to develop efficient measures to combat trafficking in and illicit manufacturing of small arms and light weapons, to prevent and reduce excessive and destabilizing transfers, accumulations and the uncontrolled spread of such weapons worldwide and to promote a proportional and integrated approach to security and development through the creation of conditions conducive to long-term peace and sustainable stability and development,

(pp15) Convinced of the importance of establishing a restrictive national legislative and/or regulatory framework for, inter alia, small arms and light weapons, including criminal sanctions and effective administrative control,

Adopt the following framework for cooperation and action at the national, subregional, regional and international levels.

I. Preventing the illicit production, possession, transfer, transit and movement of small arms and light weapons

At the national level, if they have not already done so, the participating States undertake:

1. To exercise tighter control over small arms and light weapons through the adoption and strict enforcement of restrictive national weapons legislation and procedures, which include provisions for criminal sanctions in case of breaches thereof, covering:

(a) Production: by submitting for authorization the production of small arms and light weapons;

(b) Possession: by adopting restrictive national legislation and procedures that include criminal sanctions for the illicit possession of small arms and light weapons;

(c) Safe storage: national control over stockpiles of small arms (including any stockpiles of decommissioned, seized and confiscated weapons) is essential in order to prevent loss through theft, corruption or neglect;

(d) Trade, including export, import, transit or re-transfer:

- By reinforcing, through a rigorous arrangement, the systems for issuing permits or officially recognized forms of authorization of export and import for small arms and light weapons;
- By developing end-use certification;
- By keeping records of international transactions concerning small arms and light weapons;
- By maintaining effective control of transit activities.

2. To exercise effective administrative controls, including:

(a) Licensing requirements including licensing or registration of manufacturers, traders and brokers;

(b) The requirement of appropriate marking of small arms and light weapons permitting the identification of provenance:

- By adopting the measures necessary at the national level to establish and implement a reliable system of universally recognized marking, at a reasonable cost, making it possible to determine the origin of small arms and light weapons (i.e., the year and the manufacturer, its location and the unique serial number of each weapon);
- By preventing transfers of small arms and light weapons which do not bear an identifying mark unique to each small arm and light weapon;
- By marking or destroying unmarked small arms and light weapons which might be collected, confiscated or seized;
- By destroying unmarked small arms and light weapons discovered in existing stockpiles; weapons brought into service or exported from these stockpiles will have to undergo appropriate marking beforehand;

(c) The record-keeping, which should be maintained as long as possible, for a minimum of 50 years, needed to trace and identify those small arms and light weapons which are illegally manufactured or trafficked and to prevent and detect such activities.

3. To establish and maintain national inventories of weapons legally held by legitimate authorities, and adequate physical safeguards, including a multi-level safety system for weapons storage, to prevent the loss of Government-held weapons through theft, corruption or neglect from storage facilities and to promote effective stockpile management and security; States are to ensure that records of small arms and light weapons covering aspects of production, stocks and transfers are kept for a long period, for a minimum of 50 years.

4. To adopt appropriate mechanisms for regulating the activities of non-governmental security actors.

5. To increase the capacity to combat the illicit trade, transfer and possession of small arms and light weapons of national law-enforcement mechanisms, in particular border and customs control agencies.

6. To confiscate and keep in secure storage for the purpose of administration of justice, illegally manufactured, held or traded small arms and light weapons.

7. To eliminate, as soon as possible, illegally held weapons, through safe, verifiable and effective destruction in conditions of adequate transparency, when appropriate under international supervision; destruction should render the weapon both permanently disabled and physically damaged.

II. International cooperation and assistance

At the subregional, regional and international levels, the participating States undertake:

8. To adopt and implement, where appropriate and as agreed by the States concerned, regional or subregional moratoriums on the transfer and manufacture of small arms and light weapons, and to respect such moratoriums and cooperate with the countries concerned in the implementation thereof, including through technical assistance and other measures.

9. To establish, where appropriate, subregional or regional mechanisms, in particular transborder customs cooperation and networks for information sharing among law-enforcement, border and customs control agencies.

10. To develop appropriate measures to enhance transparency with respect to small arms and light weapons transfers, as a confidence-building measure and with a view to combating the illicit trade in small arms and light weapons. As a first step, States will develop and agree upon mechanisms to provide to the Secretary-General of the United Nations information with regard to their exports and imports of small arms and light weapons.

11. In accordance with their national practices and existing international commitments, and guaranteeing a degree of transparency compatible with the requirements of confidentiality, to exchange information available, inter alia, on:

(a) The routes followed by illicit trafficking;

(b) The small arms and light weapons seized and destroyed;

(c) Their support for multilateral and bilateral initiatives designed to put an end to the illicit trafficking of small arms and light weapons.

12. To strengthen existing international law-enforcement support mechanisms, inter alia, the International Criminal Police Organization-Interpol and of the World Customs Organization (WCO).

13. To develop, in liaison with the relevant international organizations, exchanges geared towards the development of mutual legal assistance and the establishment of national and regional training programmes for the services responsible for law enforcement and customs.

14. To conclude the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunitions, supplementing the United

Nations Convention against Transnational Organized Crime, and to facilitate its implementation.

15. To develop standards for a common system of marking to be applied universally, permitting identification, with a view to facilitating international cooperation to trace illicitly traded or transferred weapons.

16. To consider the elaboration and adoption of a legally binding agreement or instruments to restrict the production and trade in small arms and light weapons to registered manufacturers and brokers duly licensed or otherwise authorized by Governments.

17. To consider additional regional or subregional instruments or codes of conduct to improve control over and restraint in the legal transfer of small arms and light weapons, as well as to combat illicit trafficking with a view to agreeing on measures, inter alia, aiming at:

(a) Common export criteria, including the use of end-use certificates;

(b) Transparency measures such as record-keeping systems and data-collection arrangements, and mechanisms for exchange of available information;

(c) Enforcement mechanisms, including the cooperation among law-enforcement customs and border control agencies in the States concerned.

18. To control the production, transfer, acquisition and holdings of small arms and light weapons in accordance with States' legitimate defence and internal security interests, in connection with surplus weapons:

(a) By implementing a policy of restraint with regard to small arms and light weapons and by ensuring that these are held only under government control at levels consistent with legitimate security interests; these weapons will be produced and transferred only in compliance with this policy of restraint;

(b) By supplying small arms and light weapons to Governments only, directly or through entities duly authorized to purchase weapons on their own account in accordance with restrictive criteria, including those established at the regional and international levels for arms exports;

(c) By avoiding issuing licences for exports where it seems that there is a clear risk that the weapons in question might be diverted within the recipient country or re-exported for purposes contrary to the aims of this document;

(d) By destroying, preferably, small arms and light weapons exceeding their legitimate security needs (i.e., surplus weapons).

When assessing whether it has a surplus of small arms and light weapons, each participating State could take into account the following indicators:

(i) The size, structure and operational concept of the military and security forces;

(ii) The geopolitical and geostrategic context, including the size of the State's territory and population;

(iii) The internal and external security situation;

(iv) International commitments, including international peacekeeping operations;

(v) Small arms and light weapons no longer used for military purposes in accordance with national rules and practices;

(e) By preventing transfers of small arms and light weapons which might:

e1. Be used for the purposes of seriously violating or infringing human rights and fundamental freedoms;

e2. Threaten peace, security and regional stability;

e3. Contravene international commitments, particularly sanctions laid down by the United Nations Security Council, or agreements, particularly on non-proliferation, and other international obligations;

e4. Be likely to provoke or prolong armed conflicts or exacerbate existing tensions or conflicts in the country of final destination;

e5. Be re-routed within the purchasing country or re-exported from it in undesirable circumstances;

e6. Support or encourage terrorism or organized crime;

e7. Be used for purposes other than the legitimate defence and internal security of the recipient country, including its capacity to take part in peacekeeping operations mandated in accordance with the Charter of the United Nations;

e8. Exceed the technical capabilities of the recipient country, or exceed its ability to ensure the effective management and security of its stocks.

19. To promote the inclusion of an effective disarmament component in peacekeeping missions.

20. To support the disarmament and demobilization of ex-combatants and their subsequent rehabilitation and reintegration into civil society and, in that context, the collection and destruction of illegally held small arms and light weapons, as well as the destruction of surpluses, and the inclusion, where required, of specific provisions in peace agreements:

(a) By incorporating measures for the collection, control and destruction of illicitly held small arms and light weapons into the terms of reference for peacekeeping operations;

(b) By incorporating, where appropriate, a specific section devoted to the safe storage and management of small arms and light weapons into peace agreements, and developing in this connection appropriate measures on small arms and light weapons at the end of armed conflicts, including their safe collection, storage and destruction, with a view to the disarmament, demobilization and reintegration of ex-combatants into civil society;

(c) By giving priority to the process of destroying small arms and light weapons, paying attention to the fact that administrative management procedures should not slow down the reduction process under way;

(d) By adopting minimum standards and procedures for defining the deactivation, decommissioning and destruction of small arms and light weapons.

21. To assist Governments which request such support to put in place and implement programmes and projects:

(a) To strengthen relevant national legislation and regulations covering the production, possession, safe storage and trading, in particular export, import, transit or re-transfer, as well as brokering activities, administrative controls such as licensing requirements, appropriate marking of small arms and light weapons, record-keeping systems and data-collection arrangements;

(b) To regulate the activities of non-governmental security actors;

(c) To reform the security sector within a framework of human rights and good governance, including the restructuring of armed forces, the reform of internal security services and the strengthening of the capabilities of border and customs control agencies;

(d) To facilitate subregional or regional cooperation among law-enforcement customs and border control agencies in the States concerned, including mechanisms for exchange of information;

(e) To demobilize and reintegrate ex-combatants into civil society in post-conflict situations;

(f) To reduce surplus weapons and collect and eliminate illegally held small arms and light weapons through safe and transparent destruction;

(g) To mobilize civil society in preventing and reducing the destabilizing effects, such as high levels of crime and violence, associated with the uncontrolled possession and spread of small arms and light weapons, and to promote a culture of peace.

22. To support relevant programmes and projects with respect to small arms and light weapons conducted by the United Nations and other international organizations or arrangements, the International Committee of the Red Cross and non-governmental organizations.

III. Implementation of the programme of action and follow-up

The participating States undertake:

23. To strengthen international cooperation between police and intelligence, customs and border control agencies.

24. To combat illicit trafficking in small arms and light weapons by adopting and implementing national controls, including physical border controls and implementation of customs cooperation mechanisms, and by strengthening cooperation between police, customs and justice departments at the international (Interpol, WCO), regional (Southern African Regional Police Commissioners Coordinating Organization-SARPCCO) and national levels.

25. To develop cooperation between them and their cooperation with international organizations in order to ensure the traceability of small arms and light weapons, particularly by strengthening mechanisms based on exchanges of information.

26. To develop exchanges of information relating to their legislative and regulatory frameworks and current practices in the areas of marking, record-keeping and traceability.

27. To reinforce the traceability of small arms and light weapons by negotiating, during the following years, an international convention, which will generalize, in particular, marking and national record-keeping practices, according to harmonized and universally recognized systems, without prejudice to the work conducted at other international forums.

28. To take account, by implementing assistance and cooperation mechanisms, of recipients' commitment to comply with the principles referred to in paragraphs 17 and 18, and of their respect for human rights and international humanitarian law and the safeguarding of the rule of law, as well as of their international commitments, particularly existing peace treaties and international agreements on arms control.

29. To develop subsequently cooperation and assistance with respect to standards and principles relating to small arms and light weapons (strengthening legislative and regulatory control frameworks), combating illicit trafficking, management and security of stocks, prevention of conflict and post-conflict stabilization.

30. To facilitate the mobilization and active involvement of civil society for the prevention and reduction of the destabilizing effects associated with the uncontrolled accumulation and spread of small arms and light weapons, as can be demonstrated by high levels of crime and violence, and to promote a culture of peace.

31. In order to ensure the implementation of these measures and effective follow-up of the Conference, the participating States recommend to the General Assembly of the United Nations:

- To convene a Review Conference in 2005;
- To invite States and competent and regional organizations to submit reports on the implementation of the Conference's plan of action, at appropriate intervals;
- To set up a committee in charge of preparing the Conference, and of considering and formulating additional proposals to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects;
- To invite NGOs to take part in the process.